



Gulf of Mexico Fishery Management Council

Managing Fishery Resources in the U.S. Federal Waters of the Gulf of Mexico

4107 West Spruce St Suite 200

Tampa, Florida 33607 USA

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www.gulfcouncil.org

September 20, 2019

Ms. Meghan Wahlstrom
NPDES Permitting Section
Water Division
Environmental Protection Agency
61 Forsyth Street, S.W.
Atlanta, GA 30303-8960

006802 SEP 20 19

Dear Ms. Wahlstrom,

This letter and the accompanying documents are provided on behalf of the Gulf of Mexico Fishery Management Council (Council) in response to Public Notice No. 19FL00001 issued by the U.S. Environmental Protection Agency (EPA) on August 30, 2019. As you are aware, Public Notice No. 19FL00001 relates to the EPA's intent to issue a NPDES permit to Kampachi Farms, LLC (Permit No. FL0A00001).

In 2018, the Council was presented with an application for an exempted fishing permit from Kampachi Farms, LLC (applicant). At that time, the Council had the authority to regulate aquaculture operations in federal waters in the Gulf of Mexico based on its Aquaculture Fishery Management Plan. Accordingly, the Council provided its comments and recommendations on the exempted fishing permit application to the National Marine Fisheries Service (NMFS); the agency responsible for approving such permit requests. Since that time, however, a court ruling determined that the Council did not have regulatory authority via the Magnuson-Stevens Fishery Conservation and Management Act to regulate aquaculture. Thus, I provide here, as accompanying material, the correspondence originally provided to the NMFS that summarizes the Council's concerns and recommendations to the activities proposed by the applicant.

Sincerely,

A handwritten signature in cursive script, reading "Thomas K. Frazer".

Dr. Thomas K. Frazer
Council Chair



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February 15, 2018

006684FEB2018

Dr. Roy Crabtree
Regional Administrator
National Marine Fisheries Service
263 13th Avenue South
St. Petersburg, Florida 33701

Dear Dr. Crabtree:

The Gulf of Mexico Fishery Management Council (Council) was presented with the exempted fishing permit (EFP) from Kampachi Farms LLC (the applicant) for its aquaculture facility at the January 2018 Council meeting. Several concerns were raised by Council members regarding the EFP, and the Council requests that these concerns be addressed.

The proposed location of the aquaculture facility is off the west coast of Florida and it was brought to the Council's attention that coordination with the State of Florida to date has been lacking. Thus, the Council recommends more cooperation and coordination with the State of Florida regarding siting of the aquaculture facility. Additionally, the Council recognizes that the applicant is working with fishermen to determine the site of the facility to minimize impacts on the shrimp fishery, and encourages continuation of this collaborative process for minimal interruption to existing fisheries.

Several items regarding the specific environmental baseline of the facility site and fish husbandry were brought to the applicant's attention. The Council requests that an environmental assessment of the area below the proposed aquaculture pen be conducted, and that this area is routinely monitored as long as the facility is in place. The EFP should be revised to reflect environmental monitoring on the benthos and more detailed information on feed and use of antibiotics, as well as monitoring of the effects of the facility on the surrounding environment should any type of mitigation to the benthos be necessary. The Council requests that the applicant abide by all reporting and recordkeeping requirements outlined in the Gulf aquaculture fishery management plan regarding the use of antibiotics, feed, breeding, etcetera, and that any use of antibiotics be included in the annual report to NMFS. This report should include type of medication, amount, date, and rationale for use. Should the applicant wish to engage in selective spawning programs, the Council would need information regarding the techniques that would be used. The applicant has indicated that the genetic material from the brood stock will be collected, and the Council would like a sample from each subsequent generation also be collected. Additionally, the Council requests that this material be provided to a public institution for processing, or that the resulting genetic information be made publicly available (such as on GenBank).

The design of the proposed facility is a major concern to the Council because the design is currently used in an area with very different oceanic conditions. The mooring system in particular was of great concern, as it was unclear if this system would be robust enough to withstand a hurricane. The Council requests the engineered drawings of both the net pen and the mooring system and more information on the vessel specifications (vessel type, tonnage, average and maximum speed, construction material, fuel and water capacity, draft, etc.). This information provides the Council with information about daily operations, how often the vessel will need to resupply, and how much lead time the vessel may need to reach safety in the event of a storm. The Council was particularly concerned with the plan in place in the event of a hurricane. Specifically, the idea that submerging the pen in the water by 10 meters did not seem a feasible solution for ameliorating the effects of a hurricane on the aquaculture pen, and the Council stresses that the EFP needs much more robust analysis regarding hurricane contingency plans than what has been proposed. The Council also urges the applicant to have a plan in place for any named storm.

The Council would appreciate the opportunity to review a revised EFP that addresses these concerns at a future meeting.

Sincerely,

A handwritten signature in black ink, reading "Leann Bosarge". The script is cursive and fluid, with the first name "Leann" and last name "Bosarge" clearly distinguishable.

Leann Bosarge
Council Chair

cc: Gulf Council
Council Staff
Jack McGovern
Andy Strelcheck
Sue Gerhart



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April 23, 2018

Dr. Roy Crabtree
Regional Administrator
National Marine Fisheries Service
263 13th Avenue South
St. Petersburg, Florida 33701

006690APR2018

Dear Dr. Crabtree:

The Gulf of Mexico Fishery Management Council (Council) was presented with the revised exempted fishing permit (EFP) from Kampachi Farms LLC (the applicant) for its aquaculture facility at the April 2018 Council meeting. The Council appreciated that Kampachi Farms had addressed concerns in the revised proposal. The Council recommended to approve the aquaculture EFP by Kampachi Farms LLC, providing that specific concerns were addressed.

The Council recommends that the applicants provide lights on all buoys, conduct a baseline survey of the benthic substrate with continued monitoring over the course of the pilot, and provide fin clippings of both broodstock and progeny for genetic analysis. The Council also noted that it still had concerns about maintenance of the cages due to the shallow water and biofouling as well as the hurricane plan provided by the applicants. Previously, the Council had requested a progress report when operations are underway.

The Council appreciates having been given the opportunity to review the revised EFP and looks forward to updates as the project progresses.

Sincerely,

A handwritten signature in cursive script that reads "Leann Bosarge".

Leann Bosarge
Council Chair

cc: Gulf Council
Council Staff
Jack McGovern
Andy Strelcheck
Sue Gerhart